

FILED

OCT 09 2013

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY MICHAEL HALLADAY,

Defendant.

CR-10-152-BLG-DWM

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

On September 12, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the February 12, 2013 petition for revocation of Halladay's supervised release. Doc. 26. Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed.R.Crim.P. 59(b)(2). But consistent with this Court's "full authority" to review the Findings and Recommendations under any

standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1985) this Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Halladay’s admission to the alleged violations, Judge Ostby recommends supervised release be revoked. Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendations (doc. 34-1) and sentence Halladay to 12 months and one day incarceration with 108 months supervised release to follow.

I find no clear error in Judge Ostby’s Findings and Recommendation (doc. 34) and I adopt them in full.

Accordingly, IT IS ORDERED that Halladay’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 9th day of October, 2013.

A handwritten signature in black ink, appearing to read 'DMolloy', is written over a horizontal line.

DONALD W. MOLLOY
U.S. DISTRICT COURT JUDGE